

# COURT MINUTES OF SENTENCING HEARING

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UNITED STATES of AMERICA,

v.

CASE NO. 18-CR-44-2-JPS

CRAIG HILBORN.

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## HON. J. P. STADTMUELLER PRESIDING

DATE: June 28, 2018

TIME SCHEDULED: 8:30 a.m.

COURT DEPUTY/CLERK: Christopher Bader

TIME CALLED: 8:32 a.m.

COURT REPORTER: Richard Erlich

TIME FINISHED: 9:14 a.m.

GOVERNMENT BY: Stephen Ingraham

DEFENDANT BY: Steven Fishman

PROBATION BY: Daniel Dragolovich

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### Notes:

- 8:32 Appearances; Court puts background of case on record, including Defendant's having pled guilty to Counts One and Two of the Information; Court notes it has reviewed presentence report
- 8:34 Parties have reviewed presentence report and have no objections to the facts as stated therein; Court therefore adopts the facts as stated in the presentence report
- 8:34 Court notes applicable Guidelines:
- Total Offense Level: 22
  - Criminal History Category: I
  - 41–51 months' imprisonment
  - 1–3 years' supervised release
  - \$7,500–\$75,000 fine
  - \$200 special assessment
- 8:36 Parties accept these Guidelines; Court will adopt for purposes of considering Defendant's sentence
- 8:37 Defendant's attorney makes a statement on his behalf
- 8:45 Defendant makes a statement on his behalf
- 8:47 Government makes a statement

- 8:50 Court discusses statements of the parties, facts of the case, and facts as presented in presentence report
- 9:04 Court notes that it previously circulated proposed conditions of supervised release; parties have reviewed them and have no objections thereto
- 9:07 Court imposes the following formal sentence:  
21 months of imprisonment as to Count One, 21 months as to Count Two, to run concurrently, for a total term of 21 months  
2 years of supervised release as to Count One, 2 years as to Count Two, to run concurrently, for a total term of 2 years  
\$30,000 fine as to Count One, \$30,000 as to Count Two, for a total fine of \$60,000  
\$200 special assessment  
Voluntarily surrender to institution designated by BOP on or after July 25, 2018  
Recommendation to BOP: that defendant be considered for incarceration at FCI Morgantown in West Virginia
- 9:12 Court advises Defendant of his right of appeal
- 9:14 Parties have nothing further to address
- 9:14 Court stands in recess

## FORMAL SENTENCE

### Custody of Bureau of Prisons

21 months as to Count One, 21 months as to Count Two, to run concurrently, for a total term of 21 months

### Supervised Release / Probation

2 years as to Count One, 2 years as to Count Two, to run concurrently, for a total term of 2 years

### Fine

Terms: \$60,000.00

- ☐ Fine waived due to Defendant's inability to pay
- ☒ Interest on fine is waived
- ☐ Defendant to participate in FBP Inmates' Financial Responsibility Program
- ☒ Payments to apply to special assessment, then fine or restitution (if applicable)
- ☐ Court imposes costs of incarceration, community confinement, and supervision

### Restitution

Terms: N/A

Payee(s):

Special Terms of Payment:

### Conditions of Supervised Release

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> No other crimes                             | <input checked="" type="checkbox"/> Notify of residence or employment change |
| <input checked="" type="checkbox"/> No firearms                                 | <input checked="" type="checkbox"/> Permit probation visits and confiscation |
| <input checked="" type="checkbox"/> No illegally possess controlled substances  | <input checked="" type="checkbox"/> Notify probation of arrest               |
| <input checked="" type="checkbox"/> Report in 72 hours                          | <input checked="" type="checkbox"/> No informer agreement without approval   |
| <input checked="" type="checkbox"/> Best efforts to secure full-time employment | <input checked="" type="checkbox"/> Reside at approved residence             |
| <input checked="" type="checkbox"/> Shall not knowingly leave district          | <input checked="" type="checkbox"/> No association with criminals            |
| <input checked="" type="checkbox"/> Follow probation officer instructions       |  |

### Special Assessment

Terms: \$200.00

- ☒ To be paid immediately to the Clerk of the Court, Room 362
- ☐ To be paid prior to the expiration of this sentence
- ☐ Other:

### Forfeiture

Terms: N/A

Custody Status

- ☐ Defendant remanded to custody of U.S. Marshal
- ☐ Execution of sentence stayed until \_\_\_\_
- ☒ Defendant shall voluntarily surrender to institution on or after July 25, 2018
- ☒ Defendant's bond continued until he reports
- ☒ Defendant advised of right of appeal
- ☒ Recommendations for BOP: that defendant be considered for incarceration at FCI Morgantown in West Virginia

Other

- ☐ Upon motion of the government, Count X be and the same is/are hereby DISMISSED
- ☒ Court orders that drug testing requirements be and the same are hereby WAIVED

STATEMENT OF REASONS

- ☒ The Court adopts the factual findings and Guideline application in the presentence report  
or
- ☐ The Court adopts the factual findings and Guideline application in the presentence report except as noted at sentencing

Guideline Range Determined by the Court:

Total Offense Level:	22
Criminal History Category:	I
Imprisonment Range:	41-51 months
Supervised Release Range:	1-3 years
Fine Range:	\$7,500.00-\$75,000.00
Special Assessment:	\$200

- ☐ Fine is waived or is below the Guideline range because of Defendant's inability to pay
- ☐ Full restitution is not ordered for the following reasons:
- ☐ The sentence is within the Guideline range, that range does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by application of the Guidelines  
or
- ☐ The sentence is within the Guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons:  
or
- ☒ The sentence departs from the Guideline range for the reasons set forth at sentencing